

October 6, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-10067
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCO ANTONIO SANCHEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:02-CR-114-6-A

Before JOLLY, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:*

Marco Antonio Sanchez appeals his sentence following his guilty plea to alien smuggling. Sanchez argues that the district court erred in increasing his offense level under U.S.S.G. §§ 2L1.1(b)(5)-(6). Because Sanchez withdrew his objection to the application of U.S.S.G. § 2L1.1(b)(5) at sentencing, it is unreviewable on appeal. United States v. Musquiz, 45 F.3d 927,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

931 (5th Cir. 1995); United States v. Calverley, 37 F.3d 160, 162 (5th Cir. 1994).

Section 2L1.1(b)(6) calls for a two-level increase "if any person died or sustained bodily injury." Sanchez's argument that the adjustment under U.S.S.G. § 2L1.1(b)(6) is inapplicable because he did not intend to injure anyone is without merit. United States v. Garcia-Guerrero, 313 F.3d 892, 898 (5th Cir. 2002). Because the record shows that Sanchez was involved in the overall smuggling operation which led to two aliens being injured, the district court did not err in applying the adjustment under U.S.S.G. § 2L1.1(b)(6). Id. The judgment of the district court is AFFIRMED.